

REMARKS

Claims 1-4 and 9-34 are pending in this Application. Of those claims, claims 12-30 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b).

Applicants acknowledge, with appreciation, Examiner Thomas's and Examiner Mack's courtesy and professionalism in conducting an interview on December 20, 2005, during which finality of the present Office Action and patentability of claims 1 and 9 were discussed. As noted in the Interview Summary, it was agreed that the finality of the Office Action was withdrawn and that a Supplemental Amendment is permitted if filed by January 12, 2006.

In this Amendment, claims 1, 3, 4, 9, 10 and 31-33 have been amended, and claim 2 canceled. Care has been exercised to avoid the introduction of new matter. Specifically, claims 1 and 9 have been amended to include the limitations recited in claim 2, and an additional limitation relating to a second optical element. Adequate descriptive support for this amendment can be found in, for example, Fig. 5 and relevant description of the specification. Claims 3, 4, 10 and 31-33 have been amended to comport the amendment of claims 1 and 9, respectively.

Claims 1 and 31 have been rejected under 35 U.S.C. §102(b) as being anticipated by Musk.

In the statement of the rejection, the Examiner asserted that Musk discloses a light transmitting device utilizing indirect reflection identically corresponding to what is claimed.

In response, Applicant has amended claim 1 to recite that the second optical element is in contact with only the solder. It is submitted that this limitation, at a minimum, is not disclosed in Musk. Musk in Fig. 2 does not disclose that lens 3 is in contact with only adhesive 5, but discloses that lens 3 is in contact with both entry face 4 and adhesive 5.

Accordingly, Musk does not disclose an optical element module including all the limitations recited in claim 1, as amended, and is not anticipatory of claim 1 within the meaning of 35 U.S.C. §102. Dependent claim 31 is also patentably distinguishable over Musk at least because the claim includes all the limitations recited in independent claim 1. Applicant respectfully solicits withdrawal of the rejection of claims 1 and 31 under 35 U.S.C. §102(b).

Claims 1-3, 9, 10 and 31-33 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fukuchi et al.

In the statement of the rejection, the Examiner asserted that Fukuchi et al. discloses optical parts for connection identically corresponding to what is claimed.

With respect to independent claim 1, as amended, Applicant submits that Fukuchi et al. does not disclose, among other things, “a first optical element which is fixed to said base part, a reference optical axis being determined in said groove by said first optical element.”

The Examiner asserted that an axis parallel to optical fiber 2 of Fukuchi et al. corresponds to the claimed reference optical axis being relatively fixed to the base part in the groove. However, Fukuchi et al. does not disclose an optical element, fixed to the base part, determining the reference optical axis with respect to which a second optical element is positioned.

Accordingly, Fukuchi et al. does not disclose an optical element module including all the limitations recited in claim 1. The above arguments are also asserted with respect to independent claim 9 because the claim recites “a plurality of first optical elements which are fixed to said base part, a plurality of reference optical axes being determined by said plurality of first optical elements.” Further, dependent claims 2, 3, 10 and 31-33 are also patentably distinguishable over Fukuchi et al. at least because they respectively include all the limitations recited in independent

claims 1 and 9. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 1-3, 9, 10 and 31-33 under 35 U.S.C. §102(b) and favorable consideration thereof.

Claim 1 has been rejected under 35 U.S.C. §102(e) as being anticipated by Séguin.

In the statement of the rejection, the Examiner asserted that Séguin discloses bonding optical fibers to substrates identically corresponding to what is claimed.

In response, Applicant submits that Séguin does not disclose, among other things, “a first optical element which is fixed to said base part, a reference optical axis being determined in said groove by said first optical element,” recited in claim 1, as amended.

Fig. 4 of Séguin discloses positioning optical fiber 10 in cavity 30 of substrate 12. However, Séguin does not disclose an optical element, fixed to the base part, determining the reference optical axis with respect to which a second optical element is positioned.

Accordingly, Séguin does not disclose an optical element module including all the limitations recited in claim 1, as amended. Applicant, therefore, respectfully solicits withdrawal of the rejection of claim 1 under 35 U.S.C. §102(e) and favorable consideration thereof.

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuchi et al. in view of the disclosed prior art; claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuchi et al. in view of Zhu; and claim 34 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuchi et al. in view of Rhee et al.

In response, claims 4, 11 and 34 are patentably distinguishable over the cited references at least because they respectively include all the limitations recited in independent claims 1 and

9. It is noted that the disclosed prior art, Zhu and Rhee et al. do not teach, among other things, a reference optical axis, and an optical element positioned with respect to the reference optical axis, as recited in claims 1 and 9. Accordingly, withdrawal of the rejection of claims 4, 11 and 34 under 35 U.S.C. §103(a) is respectfully solicited.

Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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